UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

JONATHAN CELIS GUZMAN,

Petitioner,

v.

WARDEN, EDEN DETENTION CENTER, *et al.*,

Respondents.

No. 6:26-CV-00232-H

ORDER

Petitioner Jonathan Celis Guzman, a former immigrant detainee, filed a pro se petition for writ of habeas corpus under 28 U.S.C. § 2241, challenging the premature execution of his removal order despite his pending administrative appeal before the Board of Immigration Appeals (BIA). Dkt. No. 1. He seeks an order requiring the respondents—his former custodians—to permit and facilitate his return to the United States pending the resolution of his appeal. *Id.* After careful review, the Court now dismisses the petition for lack of jurisdiction.

Petitioner initially sought emergency injunctive relief, Dkt. No. 2, but the Court denied the motion after concluding that he failed to show a substantial likelihood of success on the merits of his petition. Dkt. No. 5. Specifically, the Court noted that Petitioner was not in physical custody when he filed the petition, does not challenge any detention, and does not seek any form of release, so his petition falls "far outside the core of habeas." *Id.* at 6 (quoting *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 119 (2020)). But given the unusual circumstances presented in the petition, the Court issued a show cause order and set an expedited briefing schedule. *Id.*

Respondents filed a response along with relevant records, urging the Court to dismiss the petition because Petitioner cannot satisfy the jurisdictional custody requirement, and he does not seek release. Dkt. No. 8. Respondents acknowledge that the government erroneously removed Petitioner despite his timely appeal to the BIA, contrary to the automatic stay provision of 8 C.F.R. § 1003.6. Even so, they argue that Petitioner has failed to demonstrate extreme circumstances or restraints to warrant an exceptional finding of constructive custody. Specifically, Respondents explain that Petitioner's premature removal was the result of poor timing—a combination of Petitioner's last-minute filing and the BIA's delay in issuing receipt of the appeal due to the year-end holiday. But in any event, Respondents argue that Petitioner waited six months after his removal to seek federal habeas relief, and he has not shown that his removal in any way adversely affected his appeal, which remains pending in the BIA.[1] Additionally, Respondents contend that Petitioner's failure to pursue any administrative remedy before filing his petition bars him from federal habeas relief under the prudential exhaustion doctrine.

Petitioner did not file a reply, and the time to do so has passed. Moreover, it appears that Petitioner has abandoned his claims altogether. The original pleadings in this case were mailed from the law office of his immigration attorney in Florida, but she does not represent him in this case. The Court ordered Petitioner to provide his current mailing address and explained that it would not continue to send correspondence about this restricted case to a third party who is not participating in this action. Dkt. No. 5. Petitioner has not provided the Court with his current mailing address or otherwise communicated with the Court in any way since filing his original pleadings.

[1] *See* https://acis.eoir.justice.gov/en/caseInformation (last checked July 22, 2026).

After reviewing the parties' pleadings, the relevant records, and the applicable law, the Court finds that Petitioner has not shown that he is eligible for federal habeas relief. Because Petitioner was removed to Mexico before he filed this civil action, he is not "in custody," for purposes of Section 2241. *Merlan v. Holder*, 667 F.3d 538, 539 (5th Cir. 2011). And Petitioner has not shown that he is subject to extreme circumstances or extraordinary restraints to warrant an exceptional finding of constructive custody. *See id.* Moreover, Petitioner does not seek release. Simply put, the Court lacks jurisdiction to review Petitioner's claims or grant the relief he seeks under Section 2241. Even if the Court had jurisdiction, it would find that Petitioner's failure to exhaust any available administrative remedies before filing his petition bars him from relief here.

Alternatively, the Court finds that the petition is subject to dismissal for want of prosecution because of Petitioner's failure to participate in his case or provide a current mailing address. *See* Fed. R. Civ. P. 41(b).

For these reasons, the Court finds that Petitioner is not eligible for relief and dismisses the petition without prejudice for lack of jurisdiction.

So ordered.

The Court will enter judgment accordingly.

Dated July 22, 2026.

JAMES WESLEY HENDRIX
United States District Judge